

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the Application of Northern States Power Company for Authority to Increase Its Rates for Electric Utility Service in Minnesota

ISSUE DATE: JUNE 24, 1988

DOCKET NO. E-002/GR-87-670

ORDER VARYING TIME
REQUIREMENTS FOR EXCEPTIONS TO
THE ALJ'S REPORT AND ESTABLISHING
SCHEDULE FOR ORAL ARGUMENT

On June 23, 1988, Administrative Law Judge (ALJ) Richard Luis filed his Findings of Fact, Conclusions and Recommended Order (ALJ's Report) in this matter with the Minnesota Public Utilities Commission (the Commission).

On March 2 and 3, 1988, five parties, Northern States Power Company (NSP or the Company), the Department of Public Service (the DPS or the Department), the Residential Utilities Division of the Office of the Attorney General (RUD-AG), the Minnesota Public Interest Research Group (MPIRG), and the Minnesota Senior Federation (MSF) reached a stipulation on almost all of the financial issues in this rate case.

On or about March 31, 1988 all parties to this case entered a proposed settlement of most of the rate design issues in this case. On April 25, 1988 the Commission issued its Order Establishing Procedure for Treatment of Offer of Settlement in this matter. That Order provided that if the Commission rejects or modifies the parties' Offer of Settlement, the Commission would grant the parties 10 days to void the settlement by withdrawing their participation in it. If any party exercised the right to void the settlement, the Commission would again refer the matter to the ALJ for resumption and completion of the evidentiary portion of the contested case proceedings. The Commission reserved the right to set forth its specific concerns and to identify areas that require further testimony and evidentiary development for the resumption and completion of the evidentiary hearings.

Under Minn. Rules, part 7830.3900, parties may file exceptions to the ALJ's Report within 20 days of service of the Report.

Under Minn. Rules, part 7830.4400, the Commission may vary any of its rules where it appears to

the satisfaction of the Commission that enforcing the rule would impose an excessive burden upon the applicant or others affected by the rule, granting the variance would not adversely affect the public interest, and granting the variance would not conflict with standards imposed by law.

Order Paragraph 10 of the Commission's Order Accepting Filing and Suspending Rates in this matter (December 4, 1987) delegates to the Commission's Executive Secretary the authority to vary the deadlines for filings and pleadings in this case according to the standards of Minn. Rules, part 7830.4400.

Enforcing Minn. Rules, part 7830.3900 would impose an excessive burden on the Commission and the parties. The number and complexity of the issues in this case demand careful and complete Commission analysis of the record. If the Commission rejects the settlement or modifies it so that a party voids the proposed settlement, shortening the time for exceptions to the ALJ's Report will allow the contested case proceeding to resume as soon as possible.

Varying Minn. Rules, part 7830.3900 to require exceptions to be filed on a shorter deadline will not adversely affect the public interest but will serve the public interest since it will give the Commission time for careful and thorough analysis of this case.

Finally, varying Minn. Rules, part 7830.3900, will not conflict with standards imposed by law. Minn. Stat. Sec. 14.61 (1986) requires that the ALJ's Report be made available to parties for at least ten days before the Commission makes its final decision in a proceeding. That statute also provides parties with an opportunity to file exceptions to the Report and to present oral argument. The purpose of Minn. Stat. Sec. 14.61 (1986) is served as long as the ALJ's Report is available for at least ten days and an opportunity to file exceptions and present oral argument is made available to all parties.

The requirements of Minn. Rules, part 7830.4400 have been met and Minn. Rules, part 7830.3900 will be varied. Shortening the time for the filing of exceptions to the ALJ's Report to July 5, 1988 will aid the Commission and the parties in resolving the issues presented in this matter. Written replies to exceptions will not be entertained. Finally, parties are encouraged to serve their exceptions to the ALJ's Report on the Commission and each other by an express mail type of delivery.

ORDER

1. Minn. Rules, part 7830.3900 is hereby varied as follows: Exceptions to the ALJ's Report must be delivered to the Commission and served on all parties no later than July 5, 1988.
2. Oral Argument will be held at 9:30 a.m. on Friday, July 8, 1988 in the Commission's Large Hearing Room, 715 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101. Parties supporting the proposed stipulation of financial issues will be allowed 15 minutes collectively to speak for its acceptance. Any person opposing the

proposed stipulation will be allowed 5 minutes to speak for its rejection or modification. Parties supporting the proposed settlement of rate design issues will be allowed 15 minutes collectively to speak for its acceptance. Any person opposing the proposed settlement will be allowed 5 minutes to speak for its rejection or modification. Northern States Power Company will be allowed 15 minutes to address any disputed issues; other parties will be allowed 10 minutes each to address any disputed issues. Anyone interested in participating in the Oral Argument must contact Richard Lancaster of the Commission staff at 296-1336 no later than Wednesday, July 6, 1988.

3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)